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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/308,300	07/14/1999	EDWARD S. MANN II	17322PCTUS	5978

7590

01/25/2002

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EXAMINER

HARRIS, CHANDA L

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 01/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/308,300

Applicant(s)

MANN II ET AL. *cn*

Examiner

Chanda L. Harris

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

1. Examiner regrets the delay in applying the art that was used to reject the claimed invention in the last office action. However, upon reconsideration of the art made of record and consideration of newly found art, Examiner can apply the art as best understood in light of the claimed invention. This can take place anywhere in the prosecution of the application. Moreover, potential allowances are always subject to updated searches prior to the issue of a Notice of Allowance. In all, Examiner does make a good faith effort to prevent a delay in the application of new art as best as she can.
2. Examiner has reviewed the International Preliminary Examination Report dated October 19, 1998. However, to have it officially considered, Applicant must file an Information Disclosure Statement (PTO-1499).
3. Regarding the Citation of Pertinent Prior Art, it is to the Applicant's advantage to review and respond to the art made of record and not relied upon, in the event that upon reconsideration, the art is applied.
4. Examiner will address the Chiang rejection below.
5. Due to clarifications that were in order, this action is made NON-FINAL.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-11, 13-20, 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiang et al. (US 5,442,759).**

1. Regarding Claims 1, 13-14, and 22, Chiang discloses a user interface that transmits an instruction set having a plurality of instructions for selection by a user and receives at least one selected instruction based upon said instruction set, said at least one selected instruction designating a target application from a plurality of independently-executable computer applications and a target application interface that receives at least some of said plurality of actions and that selectively issues some of said plurality of actions for externally operating the target application and that relays feedback from the target application back through the data interpreter to the user interface. See Col.5: 36-48. Chiang discloses a data retrieval interface that retrieves a plurality of data from a computer memory, said plurality of data based upon said at least one selected instruction. See Col.3: 30-40. Chiang discloses a data interpreter that receives said data and said at least one selected instruction, said data interpreter translates said data into a plurality of actions with respect to said target application and said data. See Col.3: 57-68.

2. Regarding Claims 2, 6, 15 and 23, Chiang discloses a video clip for the target application that the data interpreter passes to the user interface for display to the user. See Col.5: 24-29.

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3. Regarding Claims 3, 7, 16 and 24, Chiang discloses the data interpreter selectively passes control of the target application to the user through the user interface. See Col.8: 47-56.
4. Regarding Claims 4, 8, 17 and 25, Chiang discloses wherein the data interpreter further comprises: user instruction means, error message issuance means, and evaluation means, whereby tutorial feedback is provided to the user when the user has control of the target application. See Col.3: 65- Col.4: 10 and Col.8:63-66.
5. Regarding Claim 5, Chiang discloses a peripheral (i.e. product) interface that receives at least some of said plurality of actions and selectively issues some of the actions for operating a peripheral device (i.e. product) having an embedded instruction set and a communications port and that relays feedback from the peripheral device back through the data interpreter to the user interface, thereby demonstrating the operation of the peripheral device to the user. See Col.8: 47-63.
6. Regarding Claims 9 and 18, Chiang discloses a host interface (i.e. tutorial control module) that receives at least some of said plurality of actions and that selectively issues some of the actions for directly operating a host system (i.e. tutorial system). See Col.5: 24-36.
7. Regarding Claims 10 and 19, Chiang discloses a peripheral storage device controller for interfacing with a local storage device storing said data. See Col.5: 29-32.
8. Regarding Claims 11 and 20, Chiang discloses a network interface (i.e. OS/2) for accessing another device over a network and for retrieving said data stored on said other device. See Col.5: 54-61.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang.**

While Chiang does not disclose expressly a wireless interface, such would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into Chiang's invention for the purpose of providing a portable system that can be used anywhere.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

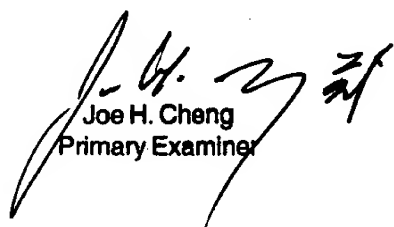
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Chanda L. Harris  
Examiner  
Art Unit 3713

ch.  
January 23, 2002

  
Joe H. Cheng  
Primary Examiner

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

**Failure to take corrective action within the set period will result in ABANDONMENT of the application.**